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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,967	12/12/2003	Rickie A. Bowerman		8743

7590 03/23/2005
Rickie A. Bowerman
4170 3rd Ave SW
Naples, FL 34119

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,967

Applicant(s)

BOWERMAN, RICKIE A.

Examiner

David J Parsley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,580,625 to Waltz.

Referring to claim 1, Waltz discloses multiple fishing rod retention system comprising at least two retention blocks – at 40-60, spaced from each other – see figures 1-2, each of the retention blocks having bores therethrough for receiving ends of the fishing rods – see proximate 40 in figures 2, each of the bores having means – at 46-54 and 60, for clamping a fishing rod disposed therein – see for example figures 1-2.

Referring to claim 2, Waltz discloses the means for clamping includes a clamping block – at 60 or at 40, the clamping block is movable relative to each of the retention blocks to obstruct the bore to trap the fishing rod therein – see proximate 62 in figure 2.

Referring to claim 3, Waltz discloses the clamping block moves in an up and down manner – see for example figures 1-2.

Referring to claim 4, Waltz discloses the clamping block moves in a side to side manner – via item 14 as seen in figure 2.

Referring to claim 5, Waltz discloses there are at least two clamping blocks – at 60 and/or 40– see for example figures 1-2.

Referring to claim 6, Waltz discloses each of the clamping blocks is spring biased into a clamping position – see for example at 50 in figure 2.

Referring to claim 7, Waltz discloses means for arresting the clamping blocks into a non-clamping position – see at 50-52 in figure 2.

Referring to claim 8, Waltz discloses the non-clamping position is released by a single latch release – see at 50-54 in figure 2.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,897,952 to Hawie.

Referring to claim 1, Hawie discloses a multiple fishing rod retention system comprising, at least two retention blocks – at 24,26', spaced from each other – see figure 1, each of the retention blocks having bores therethrough for receiving end of fishing rods – see figure 1, each of the bores having means – at 42,46',64-74, for clamping a fishing rod disposed therein – see for example figures 1 and 6-7.

Referring to claim 2, Hawie discloses the means for clamping includes a clamping block – at 64, the clamping block is movable relative to each of the retention blocks to obstruct the bore to trap the fishing rod therein – see for example figures 1 and 6-7.

Referring to claim 3, Hawie discloses the clamping block moves in an up and down manner – see for example figures 6-7.

Referring to claim 4, Hawie discloses the clamping block moves in a side to side manner – see for example figures 6-7.

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Referring to claim 5, Hawie discloses there are at least two clamping blocks – at 64 – see for example figures 1 and 6-7.

Referring to claim 6, Hawie discloses each of the clamping blocks is spring biased – at 66,72, into a clamping position – see for example figures 6-7.

Referring to claim 7, Hawie discloses means for arresting the clamping blocks in a non-clamping position – see at 46'68,70 in figures 6-7.

Referring to claim 8, Hawie discloses the non-clamping position is released by a single latch release – see at 46',70 in figures 6-7.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing rod holders in general:

U.S. Pat. No. 3,487,947 to Bogar – shows rod holder

U.S. Pat. No. 3,876,076 to Hazelhurst – shows rod holder

U.S. Pat. No. 4,003,612 to Munsell – shows rod holder

U.S. Pat. No. 4,961,505 to Moeller – shows rod holder

U.S. Pat. No. 5,979,102 to Sagryn – shows rod holder

U.S. Des. No. D486,779 to Alberti – shows rod holder

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP
David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER

3/17/05

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)____-____ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted. For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.